

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILK STUDIOS, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG ELECTRONICS AMERICA, INC.,
and SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC,

Defendants.

X

Civil Action No.: 14-cv-09362-PAC

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**DECLARATION OF JAMES H.
DONOIAN IN SUPPORT OF
PLAINTIFF MILK STUDIOS,
LLC'S MOTION FOR AN
EXPEDITED TRIAL ON THE
MERITS**

JAMES H. DONOIAN hereby declares, pursuant to 28 U. S. C. § 1746, as follows:

1. I am a partner with the law firm of McCarter & English, LLP, attorneys for plaintiff Milk Studios, LLC ("Milk"), in the above matter and a member of the bar of the State of New York and this Court.

2. I submit this Declaration in support of Milk's Motion for an Expedited Trial on the Merits.

3. Attached as Exhibit A is a true and correct copy of an advertising insert promoting Samsung's "Milk" Music and "Milk" Video services that appeared in the January 5, 2015 edition of *The New York Times*.

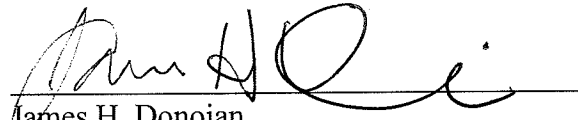
4. Attached as Exhibit B is a true and correct copy of a May 21, 2014 article entitled "Samsung to retire Music Hub streaming service" available at <http://www.cnet.com/news/samsung-to-retire-music-hub-streaming-service/>.

5. Attached as Exhibit C is a true and correct copy of an announcement posted on Samsung's Content and Services Customer Support webpage,

<http://help.content.samsung.com/csweb/faq/searchFaq.do>, that Samsung Music is no longer in service as of July 1, 2014.

6. Attached as Exhibit D is a true and correct copy of Samsung's January 5, 2015 press release entitled "Samsung Expands Milk Services to TV, Web and Virtual Reality" announcing "the expansion of its Samsung Milk suite of entertainment services, including new platforms beyond mobile for Milk Music™ and Milk Video™..."

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 7, 2015.


James H. Donoian